

VIRGINIA ROANOKE RIVER BASIN ADVISORY COMMITTEE MEETING MINUTES
Library of Virginia, Richmond
January 10, 2005

Attendance: All VRRBAC members except Sen. Hawkins, Del. Wright, Evelyn Janney and George Stovall. Ann Austin represented Rep. Virgil Goode. DEQ: Greg Anderson, Scott Kudlas, and Angela Neilan; DCR: Tim Ott and Moira Crogan

Call to Order:

Chairman Feild called the meeting to order.

Recognition of New members and Visitors:

Chairman Feild welcomed everyone and recognized visitors and guests who included Jerry Lovelace, Halifax Co. and Jean McCarter, Lake Gaston Association

September 28, 2004 meeting minutes:

The minutes were approved.

Discussion with the Legislative Members

Since the legislative members could possibly be called to attend other meetings, the floor was opened to them to provide any guidance or discuss possible legislation that would be introduced this session.

Senator Ruff said that a budget amendment would be introduced to provide money to control Hydrilla. This was done last year and but did not make. He hopes there is more of an opportunity this year. He wanted to know what the situation with the landfill in Charlotte County is and how DEQ will be looking at that. Read Charlton briefed the Committee later in the meeting on that topic.

Question: How is hydrilla controlled. Chemical control is usually emphasized. Mechanical removal is not very effective. The biggest problem in VA is at Lake Gaston. In places you can't drive a boat through it. This is important to the economy of the area. Lake property is valuable and provides revenue for Brunswick Co. from property taxes and tourism.

Delegates Byron asked citizen members to review any legislation proposed and give feedback to the legislative members as quickly as possible. Based on VRRBAC's knowledge and work, she stressed the importance of this group providing input to the legislature. She spoke about the "flush" tax" and the Chesapeake Bay proposal where \$50-60 per connection would be added to water bills. Many people have just invested large dollars in their sewer systems do not feel they need to be paying for things in other sections of the state. She expected there would be a number of regional debates.

Delegate Hurt said he did not have anything to add to Delegate Byron's summary of the proposed legislation that could impact the basin. He appreciates the hard work of the Committee.

Delegate Onzlee Ware indicated that his colleagues had adequately covered the legislative agenda. He also added that he was pleased be a part of this Committee.

Scott Kudlas, Virginia DEQ; "Local and Regional Water Supply Planning Regulation"

DEQ has been working on this water supply planning issue for a long time. The initial work began in the fall of 2002. A TAC was formed at that time and the results of their work led to SB1221, which passed in the 2003 General Assembly session. The TAC was reestablished in April 2003 and was expanded to over 30 people. These members had a wide range of interests and there were representatives from local government, business, agriculture, conservation groups, and water purveyors. Robert Conner represented VRRBAC on the TAC. This committee worked for nearly two years before arriving at a draft document that had good

support.

- SB1221, 2003 (§ 62.1-44.38:1)
 - Requires each locality to plan for meeting water supply needs – either regionally or separately
 - Directs State Water Control Board to develop criteria for local and regional water supply planning
 - Directs DEQ to prepare a preliminary state water resources plan
- The statutory goal is to ensure adequate and safe drinking water is available, promote and protect all other beneficial uses, and encourage development of alternative water sources such as desalinization
- A Preliminary Water Resource Plan was submitted to the State Water Commission in September 2003. A draft regulation was presented to the State Water Commission in November 2004. The State Water Control Board approved the draft regulation for public comment on December 2, 2004. It will be presented to the Joint Commission on Administrative Rules tomorrow. It has been submitted to the Department of Planning and Budget as part of the APA process so it is now in executive review. There will be a public comment period during the spring of 2005. There will be at least 1 public hearing in each DEQ region. After this public process is completed, the regulation will be submitted to the State Water Control Board for final approval in about June, 2005.
- The regulation establishes a planning process and criteria that local governments will use in the development of the local and regional plans. All counties, cities and towns will submit a plan to the board, individually or as part of a region. Plans are due within 3 to 6 years according to a staggered schedule based on population. Basically the bigger localities/authorities will be required to submit first and the smaller communities will receive more time. Regional groups have 6 years to submit a plan. Localities will review their plans every five years to evaluate adequacy and need for changes.
- **Elements of Local / Regional Plans**
 - A description of existing water sources, water uses, and water resource conditions
 - Projected water demand (30-50 years)
 - A description of water management actions, including drought response plans
 - Potential alternatives to address any projected deficits in supplies
 - A map identifying important physical elements of the plan
 - A resolution approving the plan from each local government
 - A record of public comments and the response to those comments

DEQ wants to identify potential problems early so that these issues can be addressed in a satisfactory manner prior to the actual permit process. The agency also wants to ensure that resources are used wisely.

- **DEQ's Role in Water Supply Planning**
 - DEQ will review all local and regional plans to determine compliance with this regulation and consistency with the State Water Resources Plan.
 - To assist in the development of local programs, DEQ will: Provide guidance and technical assistance, provide financial assistance for development of plans, facilitate acquisition of information on existing resource conditions and use, facilitate acquisition of water management options and information, provide information regarding known conflicts relating to the development of alternatives.

An example of the last item is if there is more than one community that wants to withdraw water from the same source, the conflict will be brought to their attention so that it can be worked out. However, the regulation does not anticipate that DEQ will be an arbitrator of these issues.

- **Stakeholder Response**

- Approach supported by local governments, water purveyors, conservation interests, and industry at State Water Commission on 11/22/04.
- Additional issues that remain include: Improved means for evaluating the cumulative impacts of withdrawals on all beneficial uses, opportunities to improve permitting process, and State advocacy of water supply projects. Amendments to the VWP permitting regulation and perhaps other changes are needed to address these issues.
- TAC identified three areas where the state needs to provide additional support. These are technical and financial assistance to localities to complete water supply planning analysis, additional data and information on the status and availability of ground water, and additional information and analysis on the availability of surface waters and in-stream flow requirements. \$701,000 is included in the budget amendments proposed by Governor Warner to address these needs.

In general, DEQ needs to do a better job of evaluating cumulative impacts of in-stream and off-stream uses. We need a better accounting of what the needs of existing withdrawals and in-stream beneficial uses are and balance these with the future needs of water. We can't solve all the problems but DEQ's goal is to be able to solve as many problems as possible so that as many needs as possible can be met. It is believed that all stakeholders agree that the permit system needs some improvement. In addition it is thought that the State will be looking to have a greater advocacy role in some projects, to take steps and to better define that role, and to become more of a partner with localities in the water planning process.

- **Benefits of Water Supply Planning Efforts**

- Greater understanding of water resources and water demands
- Increased information for use in evaluating water supply projects
- Increased public involvement in resource management decisions
- Earlier opportunity to identify and address conflicts among users
- Improved responsiveness and preparation for drought
- Improved information on resource issues that impact local plans and projects
- Promotes focus on most viable water supply alternatives
- Improved coordination and preparation for permitting and regulatory processes
- Economic development tool (i.e., documented plans for meeting water supply needs)

- **Question: Delegate Hurt asked, What is your sense as to what the cost to local government will be to comply? Is there any other source of funds to be used by the localities to put these plans together? I am sure you mean DEQ will provide some staff assistance too.** The Governor's budget proposes grant money for local governments. There is really not a good figure for total costs for the localities at this time. This is something that we will be seeking public comment on during the proposed regulation public comment period. We have talked to some consultants and localities and it seems to depend upon the size of the locality and system complexity. It is estimated to run \$15,000 - \$100,000 thousand per locality for this initial phase. **To a consultant?** Correct. One other thing the TAC made clear was that to the extent possible they want the State to acquire and package the data to be used by the localities. This will not eliminate the need for more local study but it is hoped these data packages will help minimize the costs. DEQ is making a long-term commitment to localities. DEQ and the Governor have been up front about making that commitment and bringing it to the General Assembly for your consideration. We did receive an appropriation during the last budget and are requesting more this year. Yes, staff assistance will be provided in each region.

- **Question: How does the cost in the Governor's proposal fall in line in terms of the number of localities and the type of grant request you are talking about.** The way the statutory deadline process works the worst case would be about 30-35 localities each year over that 4-5 year period. The current requests would permit grants up to about 20 localities. The 30-35 number assumes everyone will be going it alone and we do not believe that will be the case.

- **Question: What if a Federal entity also has some say in the withdrawal or use of the water? For example the Kerr Reservoir in the Roanoke Basin. We have potential for cross-state use of that resource and I am sure ACOE or EPA will be involved here. Will State policy or regulations hold sway over Federal predominance in some of these issues? How will this be coordinated?** I don't think that it will hold sway but I believe there is a commitment from the State to be more of an advocate for local interests on these matters. We think this is an area we could improve, particularly on inter-state issues. As we develop a comfort level and understanding of what your needs are and where you are going with your planning and if it is consistent with our other mandates to balance the resource questions, we want to be there with you.
- **Comment: We have a re-licensing issue on Smith Mt. Lake with FERC, who will not approve significant water supply withdrawals for the next 40-50 years unless a fee is paid for our local water. This does not sit well with us. The State needs to be more aggressive with FERC as well as the ACOE. You can expect some inquiries from our end of the State in the next several years for help particularly about that issue.** That is an evolving process and I think you will see us becoming more involved. Whether or not we can get a much better response from FERC than you remains to be seen, but we are moving to more of a partnership.
- **Question: Is this \$701,000 to provide financial assistance to the localities or to DEQ for data gathering.** Both. It's about a 50/50 split.
- **Question: Has anyone looked at the combined State and Local cost for this effort?** No. Not in a systematic way.
- **Comment: Robert Conner said millions of dollars. The TAC reached an agreement that there would be money coming forward to the rural counties to support and provide the technical information required. Our County, Brunswick, and others can not afford it. The larger Cities and Counties have paid staff who can do this work. Most of other funding is to go to rural counties, who do not have staff to do this.** Scott concurred that the philosophy is that those with the greatest need should get the most money.
- **Question: Will information be displayed in a basin format?** At some time, after the first cycle is complete, we hope information will be displayed in a basin to basin format. Given the way we are requesting the plans i.e., we are requesting submission by population or when a locality is ready to submit, so we won't have complete basins until later in the cycle. **There was also a mention of a TAC to work on the plan review concept.** I do not know about reviewing the plan but that is definitely still a part of continued work with the State plan. Determining consistency with the regulation is largely a DEQ function.
- **Comment: It is my understanding that it is agreed that Mecklenburg, Brunswick, Halifax and towns within those counties could work through the PDC's and that the PDC's would be eligible for grants assistance for the required work to be accomplished.** That is correct. We fully expect that localities in rural areas will take advantage of expertise the local PDC's have.
- **Question: What would the \$350,000 that DEQ gets be used for?** Much would be used for the characterization of groundwater availability west of I-95 through a contract with the USGS. DEQ will need to be working with USGS to determine if the existing monitoring well network is sufficient or whether new wells must be installed to make these determinations. Studies are needed to calculate the volume of groundwater available for local use. Two DEQ groundwater experts would be hired to assist localities as well. The other \$350,000 would go to the competitive grant program, the eligibility criteria have not been determined, but will likely focus on some component of local need and some as to where you are in terms of meeting the deadline.
- **Question: It appears that the sequence of timing established for these plans is the more complex ones will be completed more quickly. The larger areas need to support the smaller communities.**

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How can the regional plan be completed in 2 years and be accurate if they do not know what the smaller communities are thinking? Regional plans have 6 years to comply.

- **Comment: It might be better to get in first and get a claim on the water.** Scott indicated that the plan does not guarantee an allocation of water so there is not an incentive to be done first.
- **Question: What is legal status of the plan once completed?** It's a locally adopted plan for a locality's or region's water needs. It is your plan with the State's endorsement that this is a reasonable approach to meeting your water needs. Until a permit grants the allocation there is no official water allocation
- **Question: That is part of what I am asking, What legal status does that plan have in the permitting process. For example, if Locality A submits a plan early on and basically talks about inter-basin transfer. Then at the end of the 6 years a region submits a plan looking at the same source but Locality A is already in the permit process. What does that mean for the ones who took a little longer? Who gets priority? Is it based on submittal date?** No, that level of plan status was not something that was wanted by the TAC. Water purveyors and the localities did not want any direct linkage between this plan and the permit process in terms of any sort of allocation. Therefore, there is nothing in the regulation requiring this. **Someone commented that this could be a de facto result.** The plan is not a precondition of the permit.
- **Comment: I do not see how the two can be separated. It sounds like when a community goes after a permit it sounds like you are not going back to look at the plan.** No, the permit writers will look at the plans as part of what they use to make a permit decision. However, I can not effectively articulate how this will be resolved in the end. I heard someone say earlier that in the end there may be a de facto result. That may be true.
- **Comment: I thought the TAC agreed to be opposed to the inter-basin transfer of water.** Scott said that the TAC as a whole never took a position on that. The state representatives on the TAC said it would be evaluated under the same law as any other withdrawal. **A couple years there was big push for top cabinet in the State to look at areas to be able to transfer water. We have good flows of water in Southside, specifically the Roanoke Basin. When drought happens, people think we are going to run a pipeline to the James from the Roanoke River Basin. This can not happen.**
- **Comment:** There is a chance now that water will be leaving the basin going to Oxford.
- Chairman Feild indicated that situation would be discussed later in the agenda. However, this question being discussed is something that needs to be flushed out in sub-committee.
- Scott said Bob Conner had made it clear what the position of the VRRBAC was regarding inter-basin transfer. However, the TAC did not address inter-basin transfer because they thought further legislative guidance was needed before addressing this issue.
- **Comment:** Moira Crogan, DCR, indicated the flush tax was an out growth of the tributary strategies, a water quality program. It must be realized that water quality and supply can't often be separated. This Water Supply Plan and the Tributary Strategies both result in localities doing water planning. The timing is fortuitous. It is not just in the bay, as you are a great example of another river basin concerned about water quality. There is some interesting timing here. VDH has done some source water planning. These types of water planning that are happening locally, can be integrated to include water supply and quality. It was suggested that since water supply would be reviewed every 5 years that it should be made part of comprehensive planning.
- **Question: Dr. Cutler asked at what point VRRBAC could entertain a motion to support the Governor's budget line for the groundwater work and water supply grants. Does this committee adopt positions?** Chairman Feild indicated that yes we do. The standing committees need to develop position papers so that formal positions can be adopted. It is evident from the topics discussed today that there is a lot of work for our committee to develop.

- A motion was made by Dr Cutler that this Committee recommends to the General Assembly the approval of that portion of Governor Warner's Budget to provide \$701,000 to DEQ for support of groundwater studies and water supply grants to localities.
- **Question: Are you going to stipulate how much is to be used or to extend it to DEQ carte blanche to use as they see fit.** Scott says it is 50/50 and that's good enough for me. **Do you include in your motion that 50 % of the money go to localities.** I will accept your amendment. **This is really not a lot of money, so it's a small start.**
- Scott indicated that DEQ was concerned about the expectations, as this is a long-term process. As new information becomes available changes will be made and the process must remain flexible enough to get things done over time.
- We are just voting on one individual piece of this and we should wait until we think this through
- **Question: Is the \$701,000 for the entire program or for this year.** Just this for FY2006. It is not for the entire program. \$850,000 was received last year. It is expected that there may need to be other allocations in the future.
- **Question: Since we do not know what DEQ and the Governor are going to do, would it not be better to take a position on a general concept to support the localities rather than a specific line item dollar amount?** Chairman Feild said that was a good point.
- **Comment:** Robert Conner said it is going to cost localities millions of dollars because there are not paid staff. They must hire consultants, especially the less populated counties. This may be a drop in the bucket but at least it's a start. When it is all complete the cost will be millions. A concern in the TAC was who would pay for this.
- **Chairman Feild asked if the motion should be made as a general concept.** The answer was no from Dr. Cutler as he wanted a specific number.
- The motion was defeated on a vote of 5 opposed and 4 in favor.
- A recommendation was made then to formulate language suitable for a concept motion that the group could support
- **Question: What will be the future as indicated by discussions with the governor? Will counties be left holding the bag? Have there been discussions on future funding and will it be millions of dollars?** Scott indicated he could not give a definitive answer. DEQ is required by DPB when a budget amendment is submitted, to list whether it is a one time need or recurring need. This has been identified by DEQ as a recurring need and the cost is at least as much annually, if not more. We hope that a basic program funding level of \$1.5 million is the baseline for discussing future funding. **Is this just for DEQ?** No, it is for the local grant program too. Localities must look at the plan every 5 years and redo every 10. That does not mean that there will always be significant changes every time they look at it. **But you probably will have to hire a consultant?** Personally, I do not think that is necessarily true, because much of the information to be used will be available at the local level or else supplied by DEQ. Also the regulation does not require new studies of localities.
- **Comment:** The way to go in rural areas is to use the PDC's for planning. It is important that the money go to these planning bodies and not elsewhere. Small counties rely on the planning districts for assistance.
- Dr. Cutler then proposed a general concept motion which read, this Committee strongly supports the appropriation by the General Assembly of funds to the DEQ for grants to localities and regional

planning districts to meet the requirements of the new proposed State Water Supply Planning Regulation.

- 7 were in favor with none opposed. The motion carried. It was asked that the Legislative members share this motion with the rest of the General Assembly.
- **What is the definition of a region? More than 1 locality?** Scott said that is correct. DEQ's preference would be a regional approach.
- **Comment:** PDC's have generally fostered a regional approach. The regions may not align with the PDC's. Also there are Authorities. We need to be flexible to recognize this difference in regions. Scott indicated that localities had the flexibility to create their own regions but that they needed to make sense. He said it wouldn't make sense for Fairfax and Lee Counties to be a region.
- Scott indicated that it is very important for localities to have grant money but the TAC felt that it was equally important that they need data to analyze in order to create informed plans. We must be sure appropriate data is available for analysis.

Angela Neilan, Virginia Department of Environmental Quality; "DEQ Community Involvement Initiative"

This is a relatively new initiative to help the community and DEQ come closer together. It is a new initiative on behalf of Bob Burnley, DEQ Director and Tayloe Murphy, Secretary of Natural Resources. We are calling it Listening, Learning, Collaborating; Protecting Virginia's Environment Together. A policy on community involvement was also established.

· **What is DEQ Community Involvement?**

It is *Pro-actively involving* the public in problem solving and decision making. Traditionally DEQ has been a regulatory agency and operated differently than community-based agencies. DEQ is looking at considering and *using* public input in addition to scientific information and legal guidance to make decisions. In the past we have gathered a lot of community input but people have not felt that it was used.

· **Good Community Involvement**

- Improves understanding and trust
 - Offers opportunities for stakeholders to discuss differences & develop solutions
 - Improves decisions
 - Increases stakeholder "buy-in" and compliance
 - Resulting actions are more likely to be sustained over time
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- It is a DEQ Strategic Goal to have an informed and engaged community. A Community Involvement Task Force was formed consisting of major environmental organizations and DEQ staff. It met for 4 months and recommended actions for DEQ and its partners. Some of the partners were the Sierra Club, Lung Association, Campaign Virginia, , and the Va. Conservation Network. In the beginning the process was not pleasant but everyone stayed at the table and came together with the common goal of protecting the environment. Business and Industry was not at the table at this time because a relationship already existed. It was the environmental groups that were saying DEQ you don't really care about the environment. Director Burnley said lets get together and discuss this and see what can be resolved. The group developed the Community Involvement Policy.
 - DEQ conducted 7 Regional Open House Meetings in October and November.

How will DEQ continue to pro-actively involve the community?

- Provide more opportunities for meaningful involvement such as the recent community open house meetings. A good number of people came to the open house meetings.
- Engage the public early in the process
- Have discussions with interested stakeholders
- Seek and consider different points of view including affected citizens, environmental organizations and local officials
- Ensure that decision making activities are open to all and accessible to all. Dots were placed on maps to represent where individuals came from at the open house meetings. Now we are looking at whom did we not hear from. Geographically, who was not represented? We will go back out to see these communities. Maybe meetings at libraries or community colleges.
- Develop innovative ways to present information so that it is useful, understandable, timely, and easy to find
- Develop tools & methods to help staff work with the community
- Leadership commitment & resources
- Best practices & guidance
- Training & materials
- Support of newly hired Specialist

Comment: It was stated that the public needs to know the roles of the various agencies. It would be good if the Secretary of Natural Resources include all Natural Resource agencies in this process.

Comment: Bob Conner indicated that DEQ would receive a warm welcome at the Southside PDC. It is hard to draw people 35 miles to a supervisors meeting. When these meetings are held so far away it is difficult to get anyone to attend. It would be important to have the meetings within a PDC that encompasses 3 or 4 counties. Let the PDC's know ahead of time. If you have people present and you can explain situations to them then you eliminate a lot of the problems.

Comment: It is believed that the initial settings and meetings like this mainly draw activists. A different scenario was necessary to bring out the rest of the people in the community.

Question: Angela was asked to provide her contact information. Greg Anderson will send an email to members with this information and also web-site information on Community Involvement.

- Angela indicated that a grant proposal had been submitted EPA proposing to train volunteers to work with communities in linking with DEQ. Much like a master gardener concept applied to DEQ.
- Greg Anderson then summarized comments related to the Roanoke River Basin that were gathered during the open house meetings in Roanoke, Lynchburg, and Richmond. A large number of the comments paralleled the issues VRRBAC has been working on.

Bio-solids

- Sewage sludge
- No local control for sludge or bio-solids
- Baseline studies by DEQ needed prior to application of sludge to determine impacts
- Health aspects of sludge application

Community

- How to participate in technical advisory committees
- Government working with citizens
- Collaboration with local and regional groups like Soil and Water Conservation Districts
- Responsibility to get environmental messages across and engage citizens
- Clearinghouse for data, water quality
- Availability of information electronically to public

- Opportunities for public participation
- Guidance to small communities for treatment plants “basis of design” reports, etc., to meet nutrient limits
- More support for citizen water quality monitoring
- Relationship of DEQ with community groups
- How to designate additional streams as “exceptional waters” (Tier III Waters)

Funding

- Need funding for local response to federal and state regulations
- Keeping industry viable within regulations
- More funding for environmental protection
- Funding for agricultural “best management practices”

Planning

- Smart growth measures
- Sustainability and growth management
- Strategic alliances between small towns in terms of partnerships
- Comprehensive plan for water management cutting across all agencies
- Sustainable forestry to help water quality
- Regional approach to Storm water management
- Urban issues
- Water quality, quantity – drought and floods
- Maintaining river flow for recreation uses
- Protection of riparian zones
- Dialogue with AEP about lake management on Smith Mountain Lake

Statute and Regulation Issues

- Property rights of landowners
- Riparian landowner rights and information
- Better enforcement
- Regulations that affect farming/agriculture

Water Quality

- Erosion control
- Wetlands, development and drainage issues
- Destruction and degradation of habitat
- Water quality and quantity
- TMDL’s ; Who is Responsible
- Contribution of wildlife to bacteria levels in impaired streams where TMDLs have been developed
- Fecal coliform impairments of streams
- Storm water runoff – quantity and quality. Reductions in quantity.
- Ground water pollution
- Illegal dumping on Sunday nights into river
- Control of PCBs
- Toxics in drinking water (e.g., benzene) and testing for pollutants
- Raw sewage discharged to Smith Mountain Lake
- Erosion control at Smith Mountain Lake
- Trash in Roanoke River
- Nutrient reduction
- Setting up system of monitoring on upper tributaries of Roanoke River

- Stream habitat and biological health
- Urban non-point source pollution
- Water quality for fishing uses
- Nutrient level discharges for point sources
- Protection of native species
- Exotic invasive species
- Application of excess lawn fertilizer and accompanying runoff during storms

Water Supply

- Inter-basin water transfer
- Private reservoir and public water concerns
- Water re-use opportunities and acceptance
- Water quality and quantity to meet drinking water needs

Sub-committee Reports:

Agriculture and Forestry

- John assigned George Stovall and Walter Coles to this committee.
- Greg said that Evelyn Janney had told him that she would be unable to attend this meeting due to a conflict with the National Farm Bureau meeting. Evelyn continues to work on behalf of this committee and provided comments on agriculture to DEQ for the Community Involvement meetings. Evelyn has been elected to the Virginia Farm Bureau Board and has mandatory meetings of that body scheduled. Greg will forward those dates to the VRRBAC members in an effort to minimize conflicting meeting dates.

Municipal Interests and Permit Holders

- John assigned John Lindsey as chairman. Dr. Rupert Cutler was assigned to serve on the committee.
- John Lindsey just wanted to point out that he needed some contact information on the other members of the committee.
- Mike McEvoy indicated that Scott had already brought everyone up to date on the Water Supply Planning process. He then reported on the proposed flush tax. Localities would be inconvenience in having to collect the tax and figure out who was on a sewer system and who had a septic tank. The biggest downside of course is the fact that the money could not be used for anything except nutrient removal in the bay watershed until 2011. The customer base in Roanoke would generate 2.3 million dollars and would prefer it be used in locally or at least in the region.
- Dr. Cutler spoke of the creation of the Western Virginia Water Authority. The ratepayers of Roanoke City will be taking on higher payments over the next 10 years to equal out the earlier County payments to construct the Spring Hollow Reservoir. They are also expanding the waste treatment plant which will also increase the sewer bills. Therefore, the citizens have already taken on much higher payments. It would be difficult for them to come up with another \$52/year so we are opposed to further taxes on our citizens at this time.

Lake Interests

- Curry Martin was assigned to this committee.

- Bob Conner indicated the group would have public meetings in the lake areas again this year. He invited VRRBAC to Ebony in late July so that this group could see Hydrilla at the height of its seasonal growth.
- Charles Poindexter said that the FERC re-licensing was ongoing and he was the lead man for Franklin County. Due to this he asked that the John H. Kerr 216 representation from this committee be increased because his time was limited. John indicated that we have 3 designated members to attend at least the major meetings. He believed that the subcommittees would welcome others to participate. We have tried to contact a couple of committees to offer participation and have not received much response. Perhaps these issues have been put on the back burner, which may be the reason for the lack of response. Jerry Lovelace, VRRBAC Rivers Committee, indicated that he was on the administrative committee for the 216 study. He would be glad to do what he could to represent VRRBAC. He indicated that he also had been speaking to them about the fact that Kerr Reservoir was a part of a much bigger system and should not be isolated.
- John indicated that there were groups that have been having informal discussion about the Clarksville Burlington water intake on Kerr Reservoir that had been purchased recently by entrepreneurs from Granville County, NC. Discussions apparently are about forming a Regional Water Authority with Mecklenburg County which Clarksville would be the operator pumping water to Granville County to supply water to a 1400 home development in or near Oxford. The meetings are being arranged such that officials are not present in such a number to constitute an official meeting. Another meeting will be held in the next week or so. This project could potentially involve inter-basin transfer and use of a resource inside this basin outside the basin. Raleigh, Cary, Wake County, etc. have been major participants in these meetings. This should raise a red flag to everyone. Bob Conner asked that John let Lake Committee members know when a meeting would be held so someone could attend. He said eventually this will have to go before the elected officials. John agreed and said he did not know all the politics of this effort. However he believed they recognized the opposition that developed to the Va. Beach Pipeline and lessons learned from that experience may be used against us protecting the resource. This was part of the reason why John asked the question earlier about Federal entities and deals that might be made that might fly in the face of what a region, community, or town might have in their water plan. Scott Kudlas said that presents an interesting question, whether or not that withdrawal is grandfathered and what level of review would happen. John said some element of State Government and this committee needs to be aware of what our concerns are. This project has ramifications that stretch all the way to Halifax. The group has purposely limited information on this proposal. Bob Conner said this just opens the door for water to go on down to Raleigh, Durham, etc. John said with these large governments participating in the discussions it signals that there is an agenda which is beyond the initial proposal. Jean McArthur said that Henderson would sell them water and did so during the drought. John said that history is repeating itself. There is an abandoned railroad line which runs all the way to Oxford. Very similar to the Va. Beach scenario.

Rivers:

No report

Water:

- Walter Coles and Rupert Cutler were assigned to this committee.
- Mike McEvoy talked about the successful water quality monitoring day back in the fall Statewide. In Roanoke involving Western Va. Authority employees, DEQ, and others. About 700 students participated in monitoring various streams in the basin. This was a good indication of possible citizen involvement that we are interested in.

John once again stressed the importance to staff up with citizen expertise on these sub-committees so that we can get the best information to the table.

Other Business:

John H. Kerr 216 Meeting

- John Feild attended this meeting for VRRBAC in Raleigh on December 9, 2004. The purpose of this meeting was to have the John H. Kerr 216 committees to update the executive committee on progress.
- Observations made by John were that many involved in the 216 study were members of the ACOE staff. Virginia appears to be under represented. Only Dave Paylor, Deputy Secretary of Natural Resources, and Bud Laroche, DGIF were present from VA. The focus of the study is clearly downstream of Kerr Reservoir when talking about stakeholders and impacts from the operation. Central to the discussions are stream morphology, the saltwater wedge, flow releases from Kerr, developing models, and the flora and fauna and other ecosystems downstream.
- John was asked to make comment and said that there were also implications from the operation immediate to Kerr reservoir that should be considered. There are also impacts that pass domino effect upstream, particularly as related to sewage treatment, dilution, etc. Erosion and sedimentation are present in Kerr and recreation and tourism at Kerr are effected by the operation. Adjustments at any reservoir, such as Smith Mountain, effect upstream and downstream. One ally, Sam Piersall of the Nature Conservancy, was present. He has been involved in lobbying for adaptive management for the resources in the basin for sometime. This is where all options for management are placed on the table and decisions are made which are best for all concerned. The problem with this approach is that those organizations that are established and have the ear will be able to effect the outcome better than others will. It is difficult to get all the voices heard, especially when meetings are held in Raleigh and Roanoke Rapids. These meetings are not the easiest for our representatives to get to. This was one of the flaws of the FERC process. Sam in particular supported the effects on real estate values, recreation, tourism, and etc when you started changing the system.
- One group wants modeling for impacts of the reservoir operation downstream. They wanted to base this on 4 years of data and wanted data for all seasons. This group wanted to discard the historical data due to the interface with new methodology. Another group supported the use of historical data.
- Still discussions about fish bypass ladders and restoring fish to their historic spawning grounds. Some of these ideas have the potential to take more water than the Va. Beach pipeline.
- Regeneration of Bald Cypress, the salt water wedge from the Albemarle Sound, water quality, and hydrilla were topics of discussion.
- John was assigned to the Reservoir Resources Committee. Bud Laroche, VDGIF, heads up this committee. They have been meeting for an extended period of time.
- We need to stay involved with this 216 Study to ensure the entire basins concerns are held and heard. The Wilmington District ACOE has been historically aligned with NC because of their location and interacts very well with NC. John Morris is the NC counterpart to Va's Dave Paylor. These historic alliances may not benefit us as we move along in the 216 process because new alliances and new concerns outside of NC must be considered. The overall 216 Committee is busy developing scopes of work and there is a budget. 216 studies are initially to identify stakeholders and problems. Subsequent studies will address the individual problems identified. Dissolved oxygen below Kerr is an issue being examined. They are considering a bladder or screen lowered in place so that the water is drawn from the epilimnion. The turbines at Kerr are being retrofitted which will supply more oxygen. They are trying to get this accomplished in 2 years.
- It is important that VRRBAC stays involved and must make sure VA does not get short shifted. 75 % of the Kerr reservoir is in VA and the dam is in Virginia. Impacts accrue in VA as they do downstream.
- **Comment:** It is important that VRRBAC support protection of the Albemarle and Pamlico Sounds ecosystem. Just because the boundary line falls across the river, should not impair our ability to be

supportive of a healthy estuary even though it's in another state. I hope we can find ourselves supportive of things downstream much like is happening in the Chesapeake Bay watershed and not just be concerned with things in Virginia. John indicated that he hoped his remarks had not cast the lower basin as being of lesser importance. He noted that it was the game plan of VRRBAC to work cooperatively with NC and our structure was designed to mesh with the NC structure. VRRBAC got involved in the 216 study late because of confusion with the powers to be mistakenly thinking VRRBAC was the Roanoke River Basin Association.

Hydrilla Funding:

- It was asked that the legislative members support the bill seeking funding for Hydrilla control. A motion was made that a letter be sent by the Chairman asking Senators Hawkins and Ruff, and Delegate Wright and other sponsors to support the bill providing money for controlling hydrilla at Lake Gaston. The measure passed unanimously.
- Jean McCarter said that this was a statewide problem not just a problem for Lake Gaston. There are many people who vacationed at Lake Gaston and maintained summer homes. John indicated that what he was hearing was that this was analogous to a flush tax for hydrilla. The impacts of one portion of a state and on tourism in that part of the state and the impact on economics do make it a statewide problem. Jean said that the Lake Gaston group would really like to talk about special services taxes.
- Charles Poindexter said that the State had formed a group to deal with evasive species and perhaps VRRBAC should support this group as a policy issue. Another example of a problem is the Snakehead fish found in the Potomac.

Charlotte County Landfill Issue:

Read Charlton spoke of an issue concerning a landfill in of the Charlotte County. Read attended a Charlotte County supervisors meeting and there were over 300 people there who were strongly opposed to the new landfill. Charlotte County Development Company has purchase 1650 acres for 3 million dollars on the Mecklenburg/Charlotte County line. Flow would go to the South Mahan River. The landfill would collect waste from 5 states. There are currently no plans for a rail hookup but there is an existing line in close proximity. Charlotte is a rural County but there is not an economic crisis at this time. No environmental impact study has been done at the site to know what this means for the county. Lunenburg County Supervisors are against the project and passed a resolution saying they would take legal action against Charlotte County. The South Mahan River has scenic river status and flows to the Mahan, the Nottoway, and then Albemarle Sound. Charlotte County has alternatives for their waste disposal at the Southside Regional Public Service Authority. What bothers the citizens most is bringing in trash from other jurisdictions. 200 heavy duty carriers would travel through the region and dump waste daily. Future rail deliveries could also transpire. Read is to follow this issue for the Committee. John indicated that the rivers subcommittee would probably have interest in this issue if Read would lead the effort. The revenue aspect needs to be examined in more detail by Read. The company that will lease the property is Alive Waste Industries, one of the largest waste management companies in America. It has over 165,000 employees.

Roanoke River Basin Bi-State Commission:

- It was suggested that VRRBAC begin getting a summary of our positions ready for a future Bi-State Commission meeting. John said even if we do not have official positions ready we should at least have discussions on positions at the next meeting.
- Greg reported that Richard Seekins had informed him that the NC group hoped to meet in late January.

VRRBAC Bylaws:

John asked that the executive committee get together and formulate bylaws dealing with the succession of the Chairmanship. He believes that a 2-year term was appropriate. He asked for concurrence on this from the

committee. A motion was made that the executive committee meet and report back at the next meeting on their findings. The motion passed.

Appointments and Reappointments:

Greg summarized the current status of member terms for VRRBAC. He will to have legislative member representatives to sign confirmation letters. He also suggested that this issue might be something that could be addressed in the bylaws.

Funding:

It was mentioned that funding was still needed for the Committee.

Proposed Legislation:

Greg will provide members with links to the proposed legislation, as it becomes available.

Future Meetings:

There was a discussion concerning frequency of meetings. The apparent sense of the group was that bimonthly meetings at this time may be appropriate. The next meeting will be held in Clarksville on March 9, 2005. John Feild is to make arrangements for a meeting facility.

Adjournment

DRAFT